

## **REMARKS**

Applicants will address each of the Examiner's rejections in the order in which they appear in the Office Action.

### **Claim Rejections – 35 USC §103**

#### **Claims 1-4**

In the Office Action, the Examiner continues to reject Claims 1-4 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Baldo et al., either reference in view of Salbeck et al. This rejection is respectfully traversed.

In particular, in the Office Action, the Examiner recognizes that the claimed light emitting device must comprise both a spiro compound (the host material in the organic luminescent layer) and an organic luminescent layer capable of converting triplet excitation energy into light to be emitted. The Examiner further admits that none of the primary references disclose the spiro compounds required by the claims. The Examiner, however, contends that Salbeck suggests using spiro-linkage compounds in a light emitting device having an organic electroluminescent layer but also admits that Salbeck does not explicitly teach using the spiro-linkage compounds in a light emitting device having an organic luminescent layer capable of converting triplet excitation into light to be emitted.

The Examiner, however, combines the references and contends that Claims 1-4 would have been obvious in view of this combination.

As Applicants previously explained, the combination of references to arrive at the claimed invention is improper. While Applicants still maintain that this combination is improper for the reasons discussed previously, in order to advance the prosecution of this application,

Applicants are amending independent Claims 1 and 3 to recite the feature of spiro-CBP as a host (material) and a metal complex as an electroluminescent material in the organic luminescent layer. This feature is shown in the present application at, for example, page 14, lns. 9-13 and page 16, lns. 3-8.<sup>1</sup>

It is necessary to use a metal complex and a host (material) to obtain a light emission from triplet excitation. Although it is known that CBP can be used as a host, Applicants believe that it was not known to select spiro CBP from various CBP derivatives and to use the spiro CBP as a host (material) in an organic electroluminescent layer capable of converting triplet excitation energy into light to be emitted, until the present invention. Further, as explained below, a light emitting device of the claimed invention having spiro CBP is advantageous.

More specifically, it is necessary to have large excitation energy for obtaining triplet excitation. Though a molecule having a small molecular weight has large excitation energy, such a molecule causes morphology. If CBP is used to suppress morphology since it is a molecule having a large molecular weight, a problem still exists in that a conjugated bond type material such as CBP shifts excitation energy more widely. However, when spiro CBP is used as a host (material) for a light emission from triplet excitation, as in the claimed invention, the spiro-type material can suppress morphology while keeping excitation energy.

In contrast, Salbeck merely discloses spiro CBP and does not teach or suggest that spiro CBP can be used in an organic luminescent element capable of converting triplet excitation energy from a metal complex, or that the spiro CBP functions as a host material in such the organic luminescent layer, as in the claimed invention. Further, Salbeck does not disclose or suggest the above-discussed advantage.

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<sup>1</sup> Applicants also note that, for example, page 3, lns. 19-23 define a metal complex with platinum as a main metal and a metal complex with iridium as a main metal.

Hence, there is no disclosure, suggestion, or motivation for one skilled in the art to combine Salbeck with O'Brien or Baldo to arrive at the claimed invention. It is well established law that there must be some teaching, suggestion or motivation in order to combine references in order to establish a prima facie case of obviousness. See e.g. In re Fritch, 972 F.2d 1260, 1266 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); In re Oetiker, 24 USPQ2d 1443, 1444-1446 (Fed. Cir. 1992); MPEP§ 2142, 2143 and 2143.01. As no such teaching, suggestion or motivation exists for the Examiner's proposed combination, the combination of these references is improper, and the rejection based thereon improper. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 5-12

The Examiner also rejects Claims 5-12 under 35 USC §103(a) as being unpatentable over Grushin et al. in view of Salbeck et al. This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, in order to advance the prosecution of this application, Applicants are amending independent Claims 5, 7, 9 and 11.

For similar reasons to those discussed above for Claims 1-4, the rejection of Claims 5-12 is improper, and it is respectfully requested that this rejection be withdrawn.

#### New Claims

Applicants are adding new dependent Claims 13-18. These claims specify the metal complex of the luminescent material recited in the independent claims. The features in these

claims are shown, for example, on page 5, lns. 20-22, page 14, lns. 9-13 and page 16, lns. 3-8.

Accordingly, it is respectfully requested that these new claims be entered and allowed.

If any fee is due for these new claims, please charge our deposit account 50/1039.

Conclusion

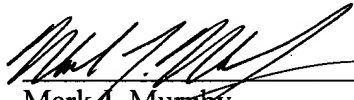
It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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